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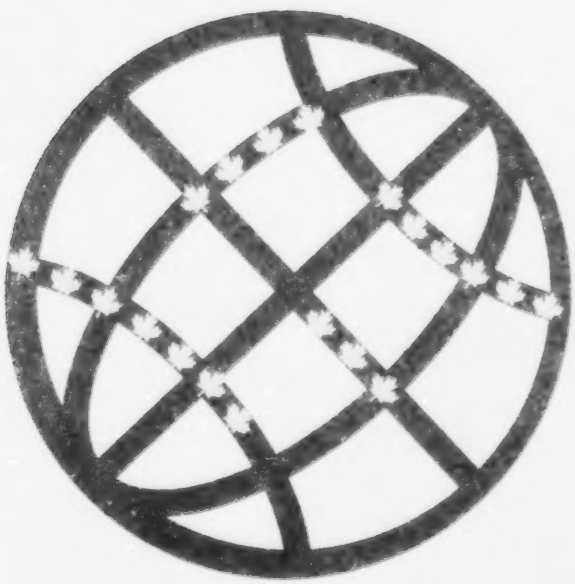

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PEACEBUILDING IN CAMBODIA

Chris Cooter
Department of Foreign Affairs
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January 1998

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Chris Cooter, DFAIT

The report summarises discussions between the author, an officer at the Canadian High Commission in New Delhi, and organisations and individuals involved in peacebuilding in Cambodia within the context of its 1998 elections. It presents their views on the issues and describes the capacity of Cambodian civil society to address the challenges of democratisation in this transitional period. The main areas of peacebuilding activities covered in the report include elections, legal system, human rights, media, conflict resolution, the national assembly and regional initiatives. The report does not address recommendations for Canadian foreign policy.

PEACEBUILDING IN CAMBODIA

REPORT* BY
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This report summarizes my discussions with organizations and individuals active in peacebuilding in Cambodia as the country heads towards 1998 elections, describing the issues as seen by them, and the capacity of Cambodian civil society to address the challenges of democratization in this transitional period.

The report is set out as follows:

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The views expressed in this report are not necessarily those of the Canadian Government

I. OVERVIEW OF CONTEMPORARY CAMBODIA

Six years after the Paris Peace Accords, and four years after internationally-organized elections, Cambodia's wounds are by no means fully healed. There remain serious political divisions, and the country is still socially and economically fragile. Nevertheless, there are signs that the country could consolidate its democratization, particularly if the 1998 elections are reasonably free and fair, and if the right combination of local political will and sufficient, well-directed international support can be found.

Unlike many of the war-torn countries that have been the focus of international attention in the 1990s, Cambodia's divisions have not been based primarily on ethnic, language, clan, or religious differences: Cambodia is overwhelmingly Buddhist and Khmer-speaking; minority groups comprise only 370,000 people (although there has been persecution of the minorities, especially the Vietnamese). The main cleavage now is essentially political, based on the rivalry between the royalists of FUNCINPEC[2], with their ties to Thailand, and the supporters of the CPP[3], the successor to the former Vietnamese-backed regime. This division, although intense and pervasive, also offers some hope, many observers seem to think, simply because it is not rooted in non-negotiable ethnic or religious identity: potentially at least, it should be capable of resolution through a negotiated arrangement.

The 1993 Cambodian elections, under the authority of UNTAC (the UN Transitional Authority for Cambodia), were the high water point of international involvement in helping this country of 11 million overcome the effects of civil and inter-state conflict, as well as international isolation. By 1993, the international community had spent over $2 billion[4] in the largest UN operation of its kind, conducting elections and providing security for them (deploying from 46 countries 22,000 peacekeepers, 3,500 police and 1,700 civilian employees and electoral volunteers), repatriating and resettling 360,000 refugees, and administering the country generally. Canada's contribution totalled $70 mn (Cdn); it provided 220 soldiers and 100 civilians for the exercise.

The result of the Cambodian and international efforts, despite threats from the Khmer Rouge which called for a boycott, was an almost 90% turnout of the 97% of eligible voters who had been registered. FUNCINPEC, led by (then) Prince Sihanouk's son Prince Ranariddh, emerged with the largest number of votes. As such, under the proportional representation system that had been adopted, FUNCINPEC was allocated 58 seats in the National Assembly. However, the runner-up, CPP, led by Hun Sen, the former prime minister under the Vietnam-sponsored regime that followed Vietnam's invasion in 1978, gained 51 seats. Because of CPP's political and

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[3]Cambodian People's Party

[4]dollar figures in the this report are in US currency.

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military strength and because of the constitutional requirement for two-thirds majorities for various actions taken by the 120-seat National Assembly, a coalition became necessary. This led to the creation of a dual leadership in which Ranariddh gained the position of First Prime Minister and Hun Sen, Second Prime Minister. In each ministry, the pattern of dual allocation of positions was repeated.

Awkward as this arrangement was, it managed to function until the beginning of 1997. An annual average growth rate of 6% improved incomes, inflation was controlled and investor confidence grew. A free-market economy was emerging.

However, by early 1997, the cleavage between the two main parties was such that business could no longer be conducted in the National Assembly. Violence erupted: on March 30, a grenade was thrown into a crowd of supporters of Sam Rainsy, the leader of the Khmer Nation Party (KNP), killing 19. By June, both main parties were preparing for open conflict. On July 5, fighting broke out in Phnom Penh, resulting in the rout of FUNCINPEC forces in the city. Looting followed.

The fighting led 20 MPs from FUNCINPEC and allied parties to flee (Ranariddh had left on July 4), mainly to Thailand where they formed the Union of Cambodia Democrats (UCD). In Cambodia, CPP manoeuvred to replace those who had fled with members of FUNCINPEC and other parties who had stayed behind (eg, the new First Prime Minister Ung Huot).

Beginning in late July, Ranariddh's forces, in alliance with the Khmer Rouge, began to wage a small-scale war on the northwest Thai border with the forces loyal to Hun Sen (the Royal Cambodian Armed Forces - RCAF).

As documented by the UN Centre for Human Rights in Cambodia (UNCHR), the July events resulted in at least 41 extra-judicial killings (ie, deaths not the result of actual combat), including that of one Canadian. Neither these killings nor the March grenade attack resulted in any prosecutions, despite promises made by Hun Sen to undertake action, and despite a November UN General Assembly (UNGA) Resolution on Cambodia that noted the need to address the issue of impunity in order to create an atmosphere conducive to free and fair elections.

The July events renewed Cambodia's isolation: ASEAN, meeting at the time of the fighting, deferred Cambodia's membership. Except for humanitarian aid and some help to non-governmental organizations (ngos), the US cut bilateral assistance, as did the IMF (in September, on the grounds that large amounts of revenue from logging that were not reaching the government). The World Bank maintains humanitarian aid, but froze new programs until the IMF resumes lending. Japan, the largest bilateral donor, stopped new bilateral assistance. Cambodia's UN seat was left vacant. Although now reviving somewhat, tourist visits plunged by at least half

from the previous year and outside investment dropped off.[5]

More recent events, however, have given some grounds for cautious optimism. The government seems committed to hold elections this year. Both the law on political parties and on elections, the two main pieces of the legal framework needed for elections, have now been passed. Both reflect most of the concerns of the international community (both the key donors and the ASEAN countries), including the need for rules giving the National Election Committee (NEC) independence in running the election process. The international community is now essentially satisfied with the adequacy of the framework as the basis for free, fair and credible elections.[6] The government has welcomed outside assistance in preparing for them and says it also welcomes outside monitors.

The National Assembly decided to hold the elections on July 26, 1998, two months after the date under discussion in much of 1997, but still justifiable on technical grounds (in part because an acceptable legal framework took considerable time to develop). While the date is still ambitious, given the need to establish the electoral machinery, register voters, parties, and candidates, and may cause logistic problems if the rains by that time are significant, Cambodian and international observers appear to see the new date as a reasonable compromise.

In addition, some of the other conditions for a free, fair and credible election are falling into place. A Japanese proposal intended to allow Ranariddh and the remaining exiles to return and participate in elections and which is based on "four pillars", including a ceasefire between Ranariddh and RCAF forces and a severing of ties between Ranariddh and the Khmer Rouge, has been accepted by Hun Sen and the Prince. The ceasefire - fragile though it is - took effect on 27 February. Hun Sen's government continues to insist, however, on Ranariddh's "trial" by a military court, probably in his absence, for his role in events that led to the July fighting.

A number of the other opposition leaders and their families who fled in July have been returning to Cambodia, so far without incident (the government has promised to assure their security). The UN Secretary-General's Special Representative (SRSG) for Cambodia, Lakhan Mehrotra, and UNHCR are assisting with the remaining leaders' return.[7] Hun Sen has called on the King, who left the country in January for Beijing after a brief return, to come back (the King apparently had left in anger over the government's attempts to change the terms of an amnesty arrangement for Ranariddh. Many observers consider his presence important for the country's

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[5]In the first half of 1997, the Board of Investment approved $400 mn in new investment; from July to October, only $97 mn.

[6]A good deal of the work in drafting these laws was based on the advice Theo Noel, a Canadian formerly with Elections Canada and IFES, who, with CIDA support, was seconded to the Cambodian Bureau of Elections and who will now work in the NEC itself as a technical advisor.

[7]The SRSG has a small number of monitors who are available to the returnees should they wish to have an international presence nearby.

stability; in addition, he is needed to complete some of the instituional arrangements for the elections). Some political campaigning by the opposition has occurred without difficulty: for example, Sam Rainsy, leader of the Khmer Nation Party, held a peaceful rally and party convention in December.

If the ceasefire holds along the Thai border where the RCAF and Ranariddh/Khmer Rouge forces have been fighting, especially around O'Smach, this would allow the return of 50,000 - 60,000 Cambodians in camps just inside Thailand. Ranariddh has asked for an ad hoc bipartite commission to monitor the truce with international observers present.

Even with the leaders' return and a ceasefire, the atmosphere for elections would remain difficult, however. The opposition has been weakened by CPP dominance since July: FUNCINPEC is crumbling. The government's reluctance to prosecute those responsible for the killings in July and March 1997 and continued reports of political killings since then contribute to a climate of impunity. This could weaken the chances of a free and fair election; it certainly weakens the rule of law, already shaky. Many doubt that there can be free campaigning - especially outside the capital where the international community is concentrated - and cite the removal of FUNCINPEC signs as an example of the kind of intimidation that goes on. Moreover, since July, officials close to or part of CPP have apparently taken over from officials close to or part of FUNCINPEC in many parts of the country and at many levels. In general, the distinction between government and party is blurred.

In addition, although the government has removed armed roadblocks on highways, village militias continue to exist; in some areas of the country, local bosses act almost as warlords. Firearms are still plentiful and are used in the robberies and kidnappings that continue to occur in Phnom Penh and outside[8].

Other than de-mining[9], disarmament is not on the agenda[10]. The number of troops in the RCAF is unclear, certainly in the tens of thousands (3000 were reportedly at O'Smach). Ranariddh's forces seem to number in the low hundreds. The Khmer Rouge, an illegal organization since July 1994, was weakened by its split in the summer of 1996; however, 500-1000 or so of its fighters continued to support Ranariddh's forces. The Finance Minister, during debate of the new budget passed on December 31, said that security spending would increase this

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[8]reports are that the going rate for an AK-47 is dropping to around $70, a bad sign for security.

[9]The Cambodian Mine Action Centre (CMAC) continues to clear mines and unexploded ordinance (UXO) at a rate of around 100 km2 per annum, with recent increases in demining productivity. Much of the low-lying agricultural land is now at least free of mines, if not UXO.

[10]This is in contrast with 1993 when it was a key issue. A Cambodian Veterans Assistance Program to help with demobilization has an estimated cost of $72 mn. but is still in the planning stages.

year, to absorb 29% of the overall budget ($82.6 mn for the Defence Ministry, including money for the integration of Khmer Rouge defectors, and $39.4 mn for the Interior Ministry).

The print media, while "free," is often inflammatory rather than informative. Moreover, the government has occasionally taken a harsher line towards both local and international media: a January directive from the Information Ministry would require the media to cite government sources on issues of national security or political stability. Canadian journalist Ed Fitzgerald was threatened first with expulsion, then denial of his right to work in Cambodia because of some of his reporting. Six (albeit inflammatory) opposition newspapers were suspended on January 8 and charged under the Press Law. It remains to be seen whether the government will allow equal access of the political parties to public radio and television during the election campaign.

Even assuming a reasonably free and fair election[11], Cambodia will have much work to do in creating a stable democracy. The Khmer Rouge decimated the educated, a decapitation of talent and experience which the country will not fully recover from for many years. The usually cited rate of literacy is just 35%[12].

Civil institutions of government are still not strong enough. To quote from the UNDP election assistance project summary:

> "In many ways Cambodia can be seen to be in a post-crisis emergency situation with key ministries having inherited a very weak human resource base and many of the individuals holding key posts lacking experience..."

The judicial system, critically, is still underdeveloped and open to political influence and corruption (judges earn $30 per month). Local-level democratic institutions such as commune councils have never been established. There is a large number of ngos (approximately 300), many of which are very effective; however, factionalism has also penetrated the ngo sector: some are seen as pro-CPP, others as pro-FUNCINPEC. While local capacity is being developed, many complain that there is a heavy reliance on foreign expertise in almost every area - from development to governance - and limited evidence that Cambodians are being trained fast enough.

The economy is still very small: per capita annual income is perhaps $300. Growth of 6% predicted for 1997 dropped to 2%, another casualty of the July fighting. The business community, in some countries an important player in helping to restore stability, was described

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[11]Some diplomats and opposition figures privately feel that a "60-80%" free and fair election is probably the best hope.

[12]However, the 1997 UNDP HDI for Cambodia suggests that the adult literacy rate may be as high as 69%, based on a survey in which respondents gave their own assessments. Moreover, the HDI has been recently revised somewhat, so that Cambodia's rank is now slightly higher, just below the rankings of India and Pakistan.

by one commentator as a "bunch of cowboy capitalists", ie, in for quick, high risk money, then out of the country again in a downturn. Much illegal logging and gem exports occur, a source of corrupt wealth for officials, politicians, and the Khmer Rouge and a contributor to violence and environmental degradation. Corruption in general is a serious problem.

One hope for Cambodia lies in its integration into ASEAN and the ASEAN Free Trade Agreement (AFTA), and in greater Mekong basin cooperation, but this, unfortunately, seems to have dropped in rank on the government's agenda (although the Secretariat of the Mekong River Commission will open in Phnom Penh next July, and ASEAN can be expected to invite Cambodia in if the elections are reasonable).

In light of this context, the key peacebuilding challenge ahead will be, of course, to secure a free and fair election. But, beyond elections, a stable and prosperous democracy will demand, in the government sector, the reinforcement of the rule of law and of accountable, competent public institutions, together with steps to facilitate regional integration. Within broader civil society, the principal challenge will be to replace the legacy of factionalism and violence with new habits of peaceful problem-solving.

II. PEACEBUILDING ACTIVITY IN CAMBODIA

The sections below represent the main fields of peacebuilding activity in Cambodia. Each describes the main issues at play, the role of the principal actors (including the Cambodian government, ngos, multilateral bodies and bilateral donors), and any Canadian support or involvement.

A. ELECTIONS

1. Issue

Elections, now scheduled for July 26, 1998, are the main political focus of Cambodians and the international community. A new legal framework consisting of the Law on Political Parties and the Law on the Election of the National Assembly was adopted late in 1997.

The most significant aspect of the framework is the creation of the National Election Committee (NEC) which, after much debate between the government, the National Assembly, and the international community, has been given the legal authority to act as a permanent, independent agency with a mandate to organize and supervise free and fair elections through provincial, commune, and polling station-level election commissions. In addition to its chair and vice-chair[13], the NEC will have two representatives from the Ministry of Interior, one from each party in the National Assembly, two citizens and one representative of local ngos.

Although there remain some outstanding legal issues (eg, the Election Law will need amendments to its timeframes for voter and party/candidate registration in order for an election to be held in July; legislation to create a Constitutional Council to adjudicate electoral disputes is still needed although the Council's creation now seems likely), and technical questions (can voter registration be completed in time, what effect will the summer rains have on turnout, transport of officials and equipment), the key issue now is whether the government has the political will to let free and fair elections occur within this framework.

There are several tests of that political will ahead:

- whether the opposition leaders, and, in particular, FUNCINPEC leader Ranariddh, will be allowed to return, have their property restored, register as candidates and campaign in safety, including obtaining equal access at least to the public broadcast media.[14] Most of

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[13]Chheng Phon, a former minister of culture, is chair, and Kassie Neou, head of the Cambodian Institute of Human Rights (CIHR), is vice-chair.

[14]Ranariddh as the winner of the most votes in 1993 and as First Prime Minister until he left in July to be replaced by Ung Huot, is perhaps not the "opposition" but the "government" in a de jure sense, but for all practical purposes is seen as opposition leader now.

the 20 MPs who fled have already returned without incident and KNP leader Sam Rainsy has begun, in effect, to campaign without difficulties. If the Japanese "four pillars" proposal is accepted, the new ceasefire will be the first part of an arrangement allowing Ranariddh and his followers to come back and take part in elections.

- whether action will be taken on the impunity issue, especially whether those responsible for the extra-judicial killings in the March 30 grenade attack and the July factional fighting will be prosecuted.

- whether action will be taken to control intimidation, including disarming village militias, particularly outside Phnom Penh where the international community is less well-positioned to observe goings-on.

- the independence in practice of the NEC.

The elections are estimated to cost $23 million (this may have to be raised slightly if the rains complicate logistics). Most of the funding and material support has been at least notionally identified: the Cambodian government is expected to absorb up to $5mn; the EU plans to cover $11.5 mn; Japan has not yet made a commitment but may provide several million dollars in aid; Canada, Australia and the UNDP have committed to approximately $1.2 mn together. The US may also be able to commit up some assistance (although both the US and Japan are particularly concerned with ensuring that Ranariddh can return and campaign). Some smaller countries (New Zealand, Norway, Denmark) have indicated an interest in contributing to the UNDP trust fund. Not of the donor support would be for items in the election budget, however; some will be for ngo activity; a portion of the EU contribution will go to monitoring and media training.

2. Support for the Elections

a) Cambodian Government

The cost of the elections and much of the legal framework for them has been worked out in the Bureau of Elections of the Interior Ministry, co-headed by Sar Kheng, who is also Deputy PM. Theo Noel, originally an Elections Canada official, has been instrumental in helping the Bureau with these tasks (he is now assigned to advise the NEC). Bilateral agreements to support the elections will be with the government, but monies will go to a special NEC account that the NEC will administer. Some countries may contribute to the UNDP trust fund, which will operate under an agreement between the government and UNDP.

The government has indicated to UNDP that it will cover up to $3mn of the $22 mn estimated cost. The major expenses of the election will be for:

i) the establishment and training of the NEC and the provincial and lower-level bodies reporting. Up to 9000 officials will be required in total;

ii) the registration of voters, including computerization of the roll;[15] and

iii) transport, communications, and commodities (eg, ballot boxes).

Funding for election monitoring, local and international, will be an additional expense to be covered by multilateral and bilateral donors.

b) Cambodian Ngos

The Cambodian ngos plan to monitor the entire election period, including voter registration, and provide civic and voter education.

Most of the local ngos interested in having a role in the elections have agreed to come under the umbrella of one of two coordinating committees: the Committee for a Free and Fair Election (**COMFREL**) or the Coalition for Free and Fair Elections (**COFFEL**). One of the more established ngos, the Cambodian League for the Promotion and Defence of Human Rights (**LICADHO**), which has a sizeable field presence, has decided to operate outside these two umbrellas. The two coalitions plan to divide the 12,000 polling stations equally between them along geographic lines, but each will maintain national, provincial and district offices.

COMFREL, a loose coalition headed by Thun Saray who also directs the Cambodian Human Rights and Development Association (**ADHOC**), is composed of 15 ngos and is the descendent of the coalition that monitored the 1993 elections. It plans to monitor both voter registration and election day itself, as well as to conduct civic education. It hopes to have 2000 volunteers for registration over a period of three weeks; 100 volunteers for 6000 civic education sessions in 6000 villages during the lead-up to the election; and 6000 volunteers to monitor one-half of the country's polling stations on election day. COMFREL will also continue issuing statements on election-related events.

COMFREL is already conducting civic education twice a month in the provinces and in Phnom Penh, and also broadcasts on radio once a month. It plans to develop additional election-related materials on how to choose a good candidate, electoral procedures, and the importance of an election.

COMFREL has prepared an $800,000 budget for its participation in the election process.

COFFEL is chaired by Lao Mong Hay of the Khmer Institute of Democracy; Pok Than of the Centre for Social Development is another leading figure. COFFEL was formed two years ago to monitor the construction of the electoral framework. It is a much larger coalition than

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[15]the voter's roll of 1993, which inscribed 97% of eligible voters, was not computerized, nor maintained. A census will be undertaken in March 1998 which may assist in creating the new roll.

COMFREL, consisting of 130 ngos, mainly small organizations in the provinces. Its election objectives are very similar to those of COMFREL. The main difference between the two appears to be in COFFEL's lower state of preparation. In December, COFFEL was waiting for the election date (since chosen) and some funding certainty before establishing a real structure, and that it was still putting together a master plan for monitoring and voter education. COFFEL intends to have its members agree on a set of civic education messages, then allow them to present messages with some individual variation.

LICADHO had begun to cooperate with COMFREL, but decided last July to act on its own. Its capacity to do so was demonstrated in 1993 when it also operated its own monitoring/civic education program. LICADHO is generally seen by donors to be capable of this task because of its existing provincial network (it has offices in 12 of the larger provinces, and 5 more are to open at the district level in 3 additional provinces), its experience in investigation of human rights cases, and its extensive, ongoing training program (one Phnom Penh team and 18 trainers in 12 provinces conduct sessions twice a month in human rights). Since July, it has been working closely with UNCHR. The theme of its civic education program will simply be that everyone should vote.

Several other of the main human rights ngos, which intend to work under COFFEL or COMFREL, already undertake civic education and plan to adapt it for elections:

- Human Rights Vigilance of Cambodia (**VIGILANCE**) began a program of civic education sessions for community leaders and other human rights activists not involved in political parties. In 1996, 83 sessions were held for over 2000 people in the 11 provinces in which it is active. VIGILANCE will operate under the COMFREL umbrella.

- **ADHOC** plans to collaborate with Asia Forum in exchanging information about monitoring techniques with other Asian countries;

- The Khmer Institute of Democracy (**KID**) organizes half-day to week-long seminars for RCAF officers, teachers, police, civil servants and ngos on the criteria for free and fair elections and the role of COFFEL;

- The Centre for Social Development (**CSD**) has an electoral development process project under which comparative studies of relevant legislation have been carried out, Cambodian legislation scrutinized, and a model code of conduct for election monitors, parties and candidates prepared;

- The Cambodian Institute of Human Rights (**CIHR**), headed by Kassie Neou (who has been nominated for the Vice-Chair of the NEC), intends to apply its well-developed radio and TV programming to getting out the message about elections as a component of the culture of peace;

The **Women's Media Centre** is preparing a set of voter education video programs. It has worked with COMFREL and COFFEL in writing scripts for and producing them (five of fifteen are already completed). It will seek to have the programs aired on the most popular TV and radio stations. It has been quietly approached about the possibility of running a successor to the highly-thought of Radio UNTAC, but is dubious about whether this would work.

The ngos have elected **Chea Cham Reun** as their representative on the NEC. However, Reun, head of the Khmer Youth Development Organization, was immediately criticized by many ngos as the representative of a CPP organization, amid allegations that he had purchased ngo votes (he claimed that he had merely been "lobbying").

c) Multilateral Bodies

The major tasks for the multilateral agencies will be to provide and coordinate technical and, to a lesser degree, financial assistance, especially to the NEC, and to provide and coordinate international monitoring, both short-term (around election day) and long-term (during the voter registration and other preparations).

The **UN**, acting on a request from the Cambodian government made in August last year, will assume the role of coordinator of international assistance, including international monitors. The **UN's Election Unit** will coordinate monitoring: it hopes to begin fielding long-term observers for the registration process to begin in April.

UNDP, whose representative in Cambodia is Paul Matthews, will continue to chair donor/ngo meetings and liaise with the government. It will channel financial and technical support through an election trust fund. The fund will allow bilateral donors to provide general support to the elections or to earmark sums, with UNDP assuming the administrative duties. UNDP itself will provide $500,000 for coordination costs and contingencies. It will also provide vehicles that will first be used in the UNDP-supported national census in March. With Australian assistance, it has brought back from New York the computers used in UNTAC for voter registration. It may also provide approximately $150,000 for civic education.

UNDP expects that an agreement will be reached with UN Volunteers (**UNV**) to provide around 250 people, mainly for long-term monitoring (in 1993, there were 700 UNV in Cambodia, of whom 500 supported UNTAC. They were key to explaining to Cambodians the why, how, and where to vote that helped to result in a 97% registration and a 90% voter turnout on election day).

Other UN agencies will also play a role. The **SRSG** has been a channel of communication between the Cambodian government, the Secretary-General in New York donor countries (the Friends of Cambodia) and ASEAN's troika. He has been attempting to facilitate the return of the political leaders who fled during the factional fighting in July, including by arranging for 4 monitors available to the returnees should they feel the need for their presence (the monitors are a

confidence-building measure, but will not provide security as such). Their number may increase as the other leaders return (if necessary, the SRSG can also call on officers of the UNCHR for back-up).

The **UNHCR** is also assisting by airlifting leaders in exile and their families from Thailand, mainly in Bangkok (this group is known to UNHCR as "Cambodian refugees dispersed in Thailand").

In addition, UNHCR is facilitating the return of Cambodians who were living in border regions and who fled into Thailand following the post-July outbreak of fighting. On the Thai side of the border near the Cambodian town of O'Smach are approximately 15,000 refugees. More crossed into Thailand with the renewal of fighting in late December (1500 on December 29). Near Battambang in Cambodia, fighting drove 40,000 into Thailand (there may also be 3-4000 displaced in Cambodia). Since the October 10 Flash Appeal[16], UNHCR also facilitated the return of 3,500, but that flow dried up when fighting resumed. UNHCR also monitors the security of returnees.

UNCHR, which reports to the UN Secretary-General's Special Representative on Human Rights in Cambodia (**SRSG (HR)**), Thomas Hammarberg, has been monitoring the freedom and fairness of election preparations, including the problem of impunity and its effect on the overall climate, and the need for an appropriate legislative framework. Its report late last summer formed the basis for the November 1997 UNGA resolution on Cambodia, which dealt at length with election preparations. The visit of UN High Commissioner for Human Rights, **Mary Robinson**, to Cambodia in January served to highlight the UN's concern with the fairness of elections. UNCHR hopes to field a large monitoring force in the election period, made up of four mobile teams. In addition, it will provide funds to the main election-oriented ngos, including LICADHO, ADHOC and VIGILANCE.

UNESCO plans to support a program of building linkages among Cambodians (the "culture of peace") which will indirectly support the election process. It has discussed with the NEC more specific voter education under NEC auspices, re-using the network it is setting up for the March census, and in conjunction with COFFEL and COMFREL.

The **EU** intends to cover the cost of voter registration, media training and monitoring this exercise (the total cost will be approximately $11.5 million). Requiring attention will be the nature of coordination between the UN (especially the UNDP) and the EU.

ASEAN countries played a significant role in bringing the parties together in the 1991

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[16]The $6 mn appeal was based on repatriation of 22,000 over one year, with 40,000 remaining in Thailand. Therefore, for now, it seems unlikely to require adjustment. When I spoke on December 30 with Giuseppe de Vincentis, Head of the UNHCR's Liaison Office in Phnom Penh, he thanked Canada for its $500,000 (Cdn) contribution and indicated that while the appeal is not yet completely met, he was confident that it soon would be.

Paris Accords, and in the 1993 elections. The ASEAN troika (Philippines, Thailand, Indonesia) has been active in trying to ensure that the FUNCINPEC and other leaders are able to take part in the elections. ASEAN countries may also send observers to the election, possibly in the same strength as in 1993.

d) Bilateral Donors and International Ngos

Like the multilateral agencies, the main role of bilateral donors and international ngos will be to provide financial or technical assistance, and short and long-term monitoring.

The **Friends of Cambodia** (Canada, Australia, France, Germany, Japan, NZ, ROK, Russia, UK, USA) meet to consult as needed on election issues at the ambassadorial level in Phnom Penh and in New York. The **ASEAN troika** works with this group. A working group of donors, the ASEAN troika, UN agencies and ngos meets more regularly in Phnom Penh under UNDP chairmanship

Prior to the fighting in July, the **US** had envisaged a significant election support role, including helping the government. Since July, however, the US has suspended all new government-to-government assistance. Funding to some ngos was also curtailed, although not that to humanitarian, human rights or election-related groups. Most continuing assistance is channelled through The Asia Foundation (**TAF**). TAF has an elections advisor in Cambodia who works with the election coalitions and their member ngos. It is possible that if the conditions exist for all the exiled leaders to return and freely campaign, the US may reconsider providing support.

Japan suspended new bilateral assistance after July, except for some humanitarian aid. This has been especially difficult for the Cambodian government as Japan provided $110 million in 1996, one-quarter of Cambodia's ODA. Japan's commitment to the elections would be significant, but its decision is still pending evidence that the political atmosphere will permit free and fair elections, and in particular that its "four pillars" agreement to allow the return of Ranariddh and a ceasefire are in place. Important to Japan as well is some sign that there will be prosecution of those responsible for the March 30 and July killings. If Japan does make a commitment, it may be for ballot boxes, transport and communications. Japan is also considering specific monitoring and civic education projects.

EU Member States: The chief EU bilateral donors, France, Germany and the UK, will make their contribution through the EU's voter registration/monitoring project. Small amounts of bilateral assistance may be provided as well by the UK and Denmark, probably through the UN Trust Fund. Sweden may support the national ngo coalitions.

Australia has announced a contribution of $400,000 (US). It is likely to choose a single main project, such as computerization of the voters' roll (training and salaries of data processors and refurbishing UNTAC computers), a task Australia also performed in 1993. Any monies

remaining may go into the UNDP trust fund. Australia will almost certainly send monitors, although how many and when is to be determined.

e) Canadian Role

Canada has already taken an active part in helping Cambodia prepare for elections, most notably through CIDA support that allowed Elections Canada officer Theo Noel (and during his recent leave, Michelle Momy) to work in the Interior Ministry's Bureau of Elections and more recently to act as an advisor to the NEC. Ambassador Longmuir has been extremely active, working with the ambassador's group, and the UNDP in helping the Cambodian government develop an electoral framework that facilitates free and fair elections.

$500,000 (Cdn) was announced for election assistance during the November visit of CIDA's Director-General for Indochina, Eric Yendall. Some of this sum is likely to be for continued support for maintaining Theo Noel in the NEC; other technical assistance for the NEC is under consideration. In addition, Canada may send monitors.

B. Legal System

1. Issues

Three issues mark the Cambodian legal system: impunity; corruption; and lack of capacity.

Impunity has several elements:

- first, the lack of action taken in respect of crimes against humanity, most notoriously those committed by the Khmer Rouge, particularly during their period of government (1975-79). In a letter by the two Prime Ministers in June 1997 to the SRSG (HR), the Cambodian government requested the assistance of the UN and international community in bringing to justice those responsible in the Khmer Rouge regime. Following the SRSG (HR)'s recommendation, the November UN General Assembly Resolution on Human Rights in Cambodia included a provision calling for the examination of any Cambodian government request in responding to "past serious violations of Cambodian and international law" in order to bring about national reconciliation, and to strengthen democracy and individual accountability.

- second, despite, in some cases, a number of witnesses being present, there has been no prosecution for any of the at least 41 extra-judicial killings documented in the SRSG (HR)'s November 1997 report, including the murder of Canadian Michael Senior. Nor has there been any prosecution for the March 30, 1997 grenade-throwing incident which killed 19 at a KNP rally in Phnom Penh. A number of other murders with political overtones, including murders of journalists, have occurred since 1993, again without

prosecution of those responsible (there are also reports of as many as 20 extra-judicial killings since September of last year).

- third, there is article 51 of the Law on Civil Servants, which provides that except in cases of *flagrante delicto*, no civil servant (nor military or police personnel, by a government decision to extend the law) can be arrested or prosecuted without the government's prior consent. The SRSG (HR) in his November report said that:

"Article 51 contravenes the basic principle of equality of all persons under the law and creates a climate of lawlessness in which persons in the police or military are not held accountable for their acts, even when such acts include murder, rape, robbery or arson."

No move has been made by the government to repeal this article, however, despite a call for such a move in the recent UNGA resolution.

- fourth, more generally, there is a legal culture in which the well-connected seem to have little fear of prosecution for corruption or other offences. The concepts of due process and presumption of innocence are not well-respected, especially in political cases: for example, it is accepted as a certainty that Ranariddh will be found guilty in the military trial that the Second Prime Minister insists must take place before the Prince can return and take part in elections.

The second issue is corruption of legal officers themselves. Judges are paid only the equivalent of $30 per month, widely opening the door for them to seek other sources of income.

The third issue, capacity, concerns the weakness of the legal structures and the limited number of experienced practitioners, lawyers and judges. During the Khmer Rouge period, much of the professional class was eliminated or fled; during the Vietnamese occupation, the justice system operated on politicized lines and proceeded from assumptions of guilt rather than innocence. Contract law was irrelevant. UNTAC did not attempt to establish legal structures and train personnel, and the Cambodians since then have been handicapped by factional disagreements that, for example, delayed until December 1997 the formation of the Conseil Superieur de la magistrature, which names judges.

There have been large increases in the numbers of legal personnel recently, although the new entrants lack experience: in last 2 years, the number of lawyers has gone from 32 to 200; there were only 40 judges (most, non-lawyers) until the magistracy council was formed in December - it appointed another 100.

2. Support for the Legal System

a) Cambodian Government

In general, the Cambodian government seems to have welcomed the assistance it has been

receiving from donors and ngos in strengthening the legal system.

b) Cambodian NGOs

The principle role of Cambodian ngos in this area has been in human rights training, discussed in more detail under the Human Rights section of this report.

The Cambodian Institute for Cooperation and Peace (**CICP**) sponsored an international law training course of 12 weeks in 1997 for 15 government officials.

The Khmer Institute of Democracy (**KID**) has placed special emphasis on promoting rule of law. It wants to de-mystify the court system and, to that end, is developing a video series documenting the criminal justice process, from arrest to judgement. The training team will distribute the series in partnership with provincial authorities and ngos.

c) Multilateral Agencies

UNCHR is working with the Justice Ministry to promote awareness of the law. It has commissioned the Women's Media Centre to produce programs to assist.

On his December visit, SRSG (HR) Hammarberg raised in a press conference his concern over the issue of impunity in connection with the March and July killings, and its harmful effect on the elections. This prompted an angry retort from Hun Sen. In January, Mary Robinson, the UN High Commissioner for Human Rights, came to Cambodia accompanied by Hammarberg, and raised these and other issues with the Second Prime Minister.

In 1995, **UNDP** established the Governance, Democracy and Human Rights project, designed to strengthen the capacity of legal and judicial institutions and to integrate the concept of rule of law into their work. Implementation of this $2mn project is being done in close collaboration with **UNCHR**. In addition to support for the National Assembly's Human Rights Commission (see the National Assembly section below), UNDP has funded a judicial mentorship program, which has recruited six experienced international lawyers to work in nine provincial courts to train and advise judges, prosecutors, clerks, police and prison personnel on criminal and civil procedures, rules of evidence and defendant's rights. The following quote from the UNDP's December 1997 project document illustrates the importance of the mentorship program:

> "Since this project has begun, at least in courts where mentors are placed, judgements are not always based on a pre-trial understanding by the judge of who is guilty. Judges are beginning to understand the process of law, notions of presumed innocence and the importance of evidence in deciding guilt and appropriate sentencing. An understanding that all defendants have the right to a defender is becoming pervasive. The contrast between those courts where the Mentor has been able to influence day to day work and those courts who have yet to benefit, is stark."

In addition, the Governance, Democracy and Human Rights project has funded

improvement of court buildings. It has also supported 14 ngos which have provided legal training to provincially-based police and armed forces, teachers and workers, government employees and villagers. If funding can be found, the project may expand to work in land rights, including the handing over of newly de-mined land.

UNDP is seeking new bilateral funding for all of the programs under the project.

d) Bilateral Donors and International Ngos

The **US** (USAID) has funded the American Bar Association (ABA)'s assistance to its Cambodian counterpart. The focus has been on developing a legal aid (public defenders) program. The program was having results; however, recently a problem cropped up in which the head of the Cambodian Bar, Say Bory, and the Ministry of Justice insisted that under Cambodian law, only the Cambodian Bar had the legal authority to establish and operate legal aid (up until then, American lawyers were active). US funding to the Bar itself ended after July. A partial compromise has emerged in which the Cambodian Bar will continue to use ABA-rented premises and the services of the ABA lawyer Jeff Falt will still be available in a "less active" way. USAID will continue to fully fund the program of the Cambodia Defenders Project, which is managed by the US-based Human Rights Law Group and which, together with the Dutch-funded Legal Aid for Cambodia (LAC) support some aspects of the public defenders program. The Cambodian Bar itself, however, now lacks funding because of the cuts imposed by USAID and yet has the legal responsibility to provide legal aid.

TAF has been actively supporting a number of other legal initiatives. It has provided a comprehensive training program in contract law for over 100 government officials, judicial officers and members of the private sector. The final phase was conducted by Cambodians who had been trained through TAF, which has four expatriate lawyers on staff. TAF has just published Khmer texts on contract law for practitioners and government. It is also half-way through work on a bench-book of procedures for judges.

TAF representative Jon Summers felt that assisting Cambodia in developing its legal system was an especially promising and significant area. He saw the UNDP/UNCHR mentorship project as having produced good results. He also saw it as realistic to expect that the legal system could be helped to become reasonably impartial and professional. It should be possible, he thought, to identify three or four senior, excellent Cambodian judges and to design with them a project to improve the judicial system, particularly important now when so many new judges have been just named. It would also be key to bring in Asian judges to assist, and, in general, to "asianize" assistance. A donor commitment of three years, he felt, could produce some impressive results.

France has several programs related to strengthening the legal system:

- assistance to the national police, a program of 11.3mn francs since 1992, which includes

the technical advice of 3 French police. The program has three elements: support to the criminal investigation police, to the protection of Angkor Wat, and to public security (including the creation of motorcycle squads, immigration police, criminal records division etc);

- judicial cooperation, a program of 19.9 mn francs since 1992, including the technical advice of one French magistrate. The program is wide-ranging, including supporting consultancies to provide vocational training, grants to legal professionals to study in France, assistance with legislative drafting, production and distribution of legal texts and jurisprudence, and an agreement with the Lyon Bar to provide training for lawyers.

- legal education, a program of 9.3 mn francs since 1992 which has helped create a Faculty of Law from the pre-existing technical school for administrative and juridical executives. The first class graduated in December 1997. The University of Lyons provides technical support.

Australia (AusAid) began in 1997 a three-year program (budgeted at $12.6mn Aus) to improve respect for human rights standards for those who come into contact with the criminal justice system (ie, police, courts, prisons). The first phase, now almost complete, involved helping to codify laws, rules and procedures so that there would be a coherent criminal framework which officials and the public could refer to and understand. The second phase, to begin in 1998, will train criminal justice officials in rules and procedures, provide field support etc. Ten Australian police, wardens, and lawyers are in Cambodia to run the program. Initial Cambodian government reluctance has been replaced by a now very positive and helpful approach, including from the relevant ministers.

e) Canadian Role

Last fall, the Canadian Bar Association (CBA) sponsored a visit by Say Bory, head of the Cambodian Bar Association, and three other members of the Cambodian Bar to B.C and New Brunswick, to examine those provinces' systems of legal aid.

Robin Sully of the CBA has proposed that Canada should consider funding a legal aid project to resolve the problem now faced by the Cambodian Bar (ie, legal authority, no funds). Funding could allow the Cambodian Bar to develop some capacity to provide legal aid services through their membership (as opposed to the expatriate lawyers model of the ABA and LAC). In addition, funding could help to develop a public education program to complement the provision of legal aid. Other areas she has noted as worth considering include: helping the Cambodian Bar to develop capacity/public education in land law and dispute resolution, with special targeting for women and childrens' legal issues; and assisting the Bar in developing and administering good quality bar admission materials.

C. Human Rights

1. Issues

As set out in the November 1997 UNGA resolution on the Cambodian human rights situation, the major human rights issues in the country relate to the electoral process, the legal system and impunity, and freedom of the media. But there are other worrying issues as well, such as trafficking in children and treatment of prisoners.

While most of the other sections of this report deal with one or more aspects of human rights questions, this section will focus on describing the institutions dealing with human rights as such, and some of the human rights issues not described elsewhere, including humanitarian demining (ie, support to the right of security of the person).

2. Support for Human Rights

a) Cambodian Government

The government has said that it wishes to establish a **national human rights commission**. The UNGA resolution notes the intention of the Cambodian government to establish such a body and encourages it to seek assistance from the UNCHR. It is possible that enabling legislation may be introduced this year.

The **Centre for Legal Drafting and Research at the National Assembly**, reporting to the Assembly's Secretariat, is intended to improve the quality of legal drafting through training and consultation on legal analysis, procedures and precedents as well as on the constitutionality of new laws. Project staff have assisted the **Assembly's Human Rights Commission** to better monitor human rights compliance with international standards as well as to improve the Commission's ability to respond to complaints. As a result of this assistance by 11 full-time staff, the rate of follow-up and resolution of cases has increased to 50%.

CMAC is a government agency that undertakes mine clearance and removal of unexploded ordinance (UXO). It began operation in 1993 with support from UNDP and the UN's Department for Humanitarian Affairs. CMAC has 2500 Cambodian staff; the international staff comprise 18 military secondments from 5 countries, plus 9 advisers from 3 other countries. CMAC has cleared 950 square miles, providing an area large enough for cultivation by 32,000 families. It has destroyed 75,000 anti-personnel mines, 411,000 UXO, and 750 anti-tank mines. In addition to clearance operations, it trains de-miners (4000 Cambodians so far), and promotes mine awareness. It has four de-mining units in 4 heavily mined provinces, and conducts activities in 6 others (as well as assisting elsewhere, including Phnom Penh where UXO still turns up occasionally). Most funding is from the UNDP trust fund; the government also provides 20%.

b) Cambodian Ngos

There is an energetic and well-established group of ngos supporting human rights. Many

of them will also take part in election monitoring and civic education. Described below are those generally understood to be the most active, effective and impartial.

The Cambodian League for the Promotion and Defence of Human Rights (**LICADHO**), headed by Kek Galabru, a Canadian, was formed in 1992, after the Paris Accords. It has offices in the capital and in 12 provinces, and is opening 5 new offices at the district level in 3 more provinces. In addition to its election-related activities described in the Elections section above, LICADHO has the following programs:

- *investigations and interventions of human rights abuses.* LICADHO monitors cases brought to its attention and systematically observes and reports on prison conditions (it reports that more than half of prisoners are tortured). Over 1000 cases per year are investigated by its 10 investigators in the capital and 2 in each provincial office. Reports are sent to provincial authorities for action, failing which they are sent to the central authorities. LICADHO maintains a database on all violations. Its report on the March 30, 1997 grenade attack (based on 100 interviews) was sent to UNCHR. Worryingly, prior to July 1997, LICADHO had a government response in 70% of the cases on which it reported; since then, in only 30%, a reversal it attributes to the steady removal of FUNCINPEC officials and the tipping of the balance in CPP's favour. There have also been three times the number of human rights complaints since July, a change which seems attributable to the culture of impunity, rather than an organized plan;

- *children's rights.* This program seeks to promote children's rights through investigation of cases of trafficking, paedophilia, child labour, and imprisoned children, seminars on these issues[17], the preparation of reports to enable the government to fulfil its requirements under the *Convention on the Rights of the Child*, and the provision of food and other services for imprisoned children. It has begun working with ngos in the southeast of Cambodia to combat trafficking in children to Thailand;

- *women's rights.* This program concentrates on follow-up on imprisoned women, integration of women's rights into LICADHO's literature, and investigation of cases of female victims of human rights abuses in collaboration with specialized ngos. LICADHO also investigates domestic violence, acting to heighten awareness of family planning and collecting data on relevant issues, such as whether there is judicial follow-up to rape (in this connection, LICADHO has found that the government is more active on children's than women's rights);

- *medical program.* A medical team monitors health conditions of prisoners (and guards) in 6 prisons. It has also helped victims of the March 30 grenade attack, and is compiling a data base on torture victims;

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[17]the 1997 UNDP HDI Report on Cambodia estimates that 35% of sex workers are children.

- *education and training in human rights.* A team in the capital and 18 trainers in 12 provinces plan courses, develop materials and conduct twice-monthly training sessions for monks, criminal investigation division and military police, and prison guards. On request, LICADHO also trains the militia, soldiers, civil servants, teachers and other ngos. It has been working with UNCHR in this area. Around 25,000 people receive instruction annually through this program;

- *publications*. In addition to training materials, LICADHO has published popular versions of key documents such as the Cambodian constitution and the *Universal Declaration on Human Rights.*

The Khmer Institute of Democracy (**KID**) is headed by the highly respected Dr. Lao Mong Hay, who was involved in negotiations of the Paris Accords and worked with both UNTAC and the transitional Supreme National Council that preceded the 1993 elections. He also worked for CMAC before establishing KID and was an ngo candidate for the NEC, before being defeated by Chea Chan Reun in December 1997. Since 1996, in 9 provinces and the capital, KID's 24 staff have organized over 50 half-day to week-long seminars for RCAF officers, teachers, police, civil servants and ngos on civil society and the rule of law, as well as on election-related subjects. One seminar was organized for former Khmer Rouge in Banteay Meanchey and included almost 1000 participants. Around 3500 are trained annually, many becoming trainers themselves. KID also has produced three TV series, including one in which representatives of each public ministry answered the public's question.

The Cambodian Human Rights and Development Association (**ADHOC**), headed by Thun Saray, is active in Phnom Penh and 14 provinces. It focusses on human rights monitoring and investigation (more than 400 cases per year), human rights training (one set of sessions is aimed at the local level: farmers, shopkeepers; another at civil servants, police and soldiers; and another at students), and women's rights (training on domestic violence, and monitoring human trafficking and domestic violence). It also publishes a biweekly Khmer-language newsletter with a circulation of 6000.

The Cambodian Institute of Human Rights (**CIHR**), headed by Kassie Neou (now NEC Vice-Chair), covers 21 geographic areas (provinces and cities) and has a staff of 63 in the Phnom Penh headquarters and 3 provincial offices. It focusses on:

- *human rights training and conflict management.* CIHR began training teachers in late 1996. Its 3 year plan calls for training 35,000 teachers (ie, half the teacher population at primary and secondary levels) in conjunction with the Education Ministry;

- *good management*. With the Interior Ministry, CIHR has begun providing training for civil servants at all levels on good governance, public service, and codes of ethics in a democracy;

- *media programs.* CIHR runs a number of TV and radio programs on human rights and democracy (eg, a daily radio quiz show, and a human rights game show aimed at soldiers and police);

- *publications*. CIHR has a particularly large program of publishing and distribution of materials (over 600,000 materials distributed by 1996).

The Centre for Social Development (**CSD**), headed by Pok Than, with a staff of 15, was founded in 1995 to promote good governance and transparency. It is active in Phnom Penh and 2 provinces. In addition to its election-related project, CSD's areas of activity include: the Cambodian public accountability and transparency project, under which conferences have focussed on corruption (including one that resulted in a draft bill on corruption for presentation to the government), and public opinion research on corruption has been carried out; a technical assistance project, to improve the management of public affairs by training ngos and ministries; and a monthly research bulletin.

Human Rights Vigilance of Cambodia (**VIGILANCE**), headed by Phoung Sith, was founded in 1992. Present in 11 provinces, in addition to its election-related activity, VIGILANCE monitors human rights cases (in 1995-96, it handled 161 cases, including torture, rape, and land disputes), has organized a team to carry out investigations on human trafficking, and has organized training sessions for police (155 sessions for 4667 participants in 4 day-long programs).

The human rights ngos meet to coordinate their activities in the **Cambodian Human Rights Coordination Committee.**

c) Multilateral Bodies

UNCHR's existence was implied in the Paris Accords which spoke of establishing a "special rapporteur" once UNTAC left the scene. The creation of the office was pressed for by both (then Prince, now King) Sihanouk and ASEAN. Originally a creature of the General Assembly, it became an office of the Human Rights Commission. Of 10 such centres worldwide, the Cambodian, Rwandan and Burundian are the only sizeable ones. The Cambodian office is not permanent, but designed for the period of Cambodia's "transition"; however, it seems likely that it will remain for a year or so after the next elections. UNCHR has a Phnom Penh headquarters and six provincial offices, employing about 50, of whom 20 are international staff. Its $1.2 - 1.5 mn budget is from the regular budget of the UN Secretariat, but it also receives funding for its education and training programs through the UN Trust Fund for Human Rights Education in Cambodia (which receives $1 - 1.5mn in bilateral contributions).

The Centre reports to the SRSG (HR), who is Geneva-based but pays 4 visits a year to Cambodia (the last in January, 1998 with Human Rights Commission head Mary Robinson). The officer-in-charge is David Hawk.

UNCHR's principal role is to monitor and investigate human rights abuses. This is done at the request of the government, and conducted privately. The approach is designed to encourage the government both to come forward with problems and to help in their resolution. Reports are not made public by the Centre; however, the SRSG (HR) does release a report twice a year to both the government and General Assembly. The most recent report was prepared following the July violence and was presented to the General Assembly in November. It documented at least 41 cases of extra-judicial murder that occurred after the military action was over. The report, and the SRSG (HR)'s visit subsequent to it, generated a good deal of tension with the Cambodian government, which has yet to undertake any prosecutions.

The UNCHR also carries out technical cooperation, in particular, a judicial mentorship program supported by UNDP (see Legal System section above). In addition, it carries out various human rights education and training programs, including for RCAF officers, and the Cambodian police (ADHOC assisted by instructing police on the constitution, criminal code, police procedures etc). Several tens of thousands of people have received training in at least 15 of the larger provinces. With the objective of reaching the "pillars of moral authority" in the villages, UNCHR, working with CIHR, is incorporating human rights issues into school curriculums; medical workers are being taught about discrimination against HIV-positive patients; and monks are also being given training materials.

Finally, UNCHR runs a small foundation that grants $.25 - .5mn annually to Cambodian ngos working on strengthening civil society. Some of this goes for ngo staff training.

The Office of **SRSG Mehrotra** (the SRSG plus 2 officers and 4 monitors) also plays a human rights role, observing the overall situation in Cambodia for the Secretary-General (especially with reference to the elections) and, more recently, attempting to facilitate the return of the leaders outside the country and monitoring their status on return.

UNESCO has embarked on the development of a Culture of Peace project (described in the Conflict Resolution section below) aimed at building habits of respect for human rights.

UNDP established in 1995 its Governance, Democracy and Human Rights project, which has received $2mn in funding so far. Support for the legal system and National Assembly under the project are discussed separately in the relevant sections of this report. The project is looking for new funding to support human rights training of newly elected government officials and to develop acceptance/protection of those with AIDS. Under another project undertaken in conjunction with UNCHR, UNDP supports human rights training and education in areas recently freed from the Khmer Rouge. It also intends to collaborate with UNESCO on the Culture of Peace project (see Conflict Resolution section below). UNDP provides some technical advice to continue to build CMAC's capacity to operate as an independent agency, and it administers CMAC's trust fund.

d) Bilateral Donors and International Ngos

The **US** funds human rights groups largely through **TAF**, which supports 10 ngos, including LICADHO, VIGILANCE, ADHOC, and most of the others described above, as well as the ngo's coordinating body, the Cambodian Human Rights Coordination Committee. TAF's annual budget (almost entirely from USAID) for the current fiscal year for Cambodia is $2.5-3mn.

Australia has a small post-administered fund (the Small Activity Fund) of about $100,000 (Aus) that is used like the Canada Fund to support projects including human rights ngos; in addition, it has a human rights fund ($100,000 Aus) specifically for this purpose. Under its good governance program, it is assisting in the planning for demobilization of excess soldiers.

The **Konrad Adenauer Foundation** supports several of the human rights ngos.

CMAC is funded by Australia, Belgium, Canada, Denmark, Holy See, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, UK and the US. Its appeal for the coming year, launched in December 1997, is for $11.7 mn. Australia, Canada, New Zealand, Netherlands and Belgium provide military secondments; Norway, Sweden and Japan provide advisers. Contributions since CMAC's inception have totalled $35 mn, with $9mn in pledges to come.

e) Canadian Role

CIDA's Governance Fund for Cambodia totalled $400,000 (Cdn) for 1994-96. For the period 1996-2000, the SEAFILD program has a $6mn (Cdn) budget for regional projects in Southeast Asia to address human rights, democratic development , rule of law and civil society. The Canada Fund for 1995-96 totalled $400,000 (Cdn): small grants under it ($1-8,000) were given to a number of local human rights ngos.

Canada provides support to CMAC both through an agreement between UNDP and DND to provide Canadian de-mining expertise (currently 7 DND officers, headed by Colonel Chip Bowness), and through contributions to the UNDP trust fund for CMAC ($2.128mn Cdn. over the last four years)

D. Media

1. Issues

The Cambodian press, according to the two Prime Ministers' reply to SRSG(HR) Hammarberg on November 18, 1997, is "the most free press in the region, perhaps in Asia as a whole." In one sense, that is true: there are around 50 newspapers, mostly in Khmer, which publish highly political stories every day. Unfortunately, this kind of freedom is often as harmful as useful, since many of the articles are inflammatory instead of informative, and contribute to the intense factionalism that divides the country. Most newspapers, to quote Raoul Jennar, a

Belgian expert on Cambodia,

> "...are the creation and property not of the journalist, but of a political personality. The goal of the newspaper is not to transmit information but rather the propagation of political ideas."

In effect, many are really political pamphlets. Thus, even if a journalist follows the Press Law's, Khmer Journalists' Association's (KJA) or League of Cambodian Journalists' (LCJ) Codes of Ethics, an editor may change the story to suit the owner's bias. Since the violence in July, polarization of journalists has proceeded further.

Corruption is also a problem. With so many newspapers and so few advertising revenues, journalists' salaries are extremely low: inevitably many take bribes to alter a story. The President of the LCJ, Chum Kanal, was quoted in the Cambodia Daily in April 1997 as saying that "I think...it is a lovely sentiment to give journalists money."

The problems with broadcast media are different. Here, ownership is dominated by the government and CPP.[18] This is seen as a key election issue, including by the SRSG (HR) who said on his December 1997 visit that the present distribution of radio stations was not conducive to free and fair elections. The new elections law provides that the NEC shall take all necessary measures to ensure that the elections are free and fair (art. 16 (1)) and "take measures to ensure equal access to the public media" (art. 16 (17)). However, CPP MP and Secretary of State in the Information Ministry Khieu Kanharith stated early in December 1997 that only National Radio and state-run TVK would be allowed to air campaign messages; parties that wished broadcast licenses would be denied them because "we don't have enough frequencies."[19]

The government's relationship with the media has been troubled, and in December/January, seemed to have hardened. The Press Law, passed in 1995, contains a provision which prohibits the press from publishing information that "may affect national security and political stability" (art. 12) and another that prohibits the publication of anything that "humiliates or contempts national institutions" (art. 14). In December 1997, the government claimed that some media, especially the Khmer press, was biased in favour of the Khmer Rouge and that other reporting tarnished Cambodia's international image (harming investment). Pursuant to a new regulation, it threatened legal action under Press Law art. 12 against any news organization that did not cite at least two government sources on issues of national security. Shortly thereafter, Kanharith threatened to expel, them to cancel the work permit of Canadian

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[18]There are 5 television stations in the capital, and 4 in the provinces. Of these, 3 are publicly-owned (one is the national station, TVK, one the military's, the third, the municipality of Phnom Penh's). There are 10 radio stations, of which one is public (National Radio); Apsara radio and TV are CPP joint ventures.

[19]Frequently heard during my meetings was the complaint that there would not be, as in 1993, a Radio UNTAC, which had provided impartial access for parties and unbiased information.

journalist Ed Fitzgerald, of ABN, for reporting that was not "balanced" (a dispute resolved in Fitzgerald's favour early in January). On January 8, the government announced that it was suspending six (albeit inflammatory) opposition newspapers and charging them under the Press Law.

Half-a-dozen journalists have been killed since the 1993 elections, most recently Michael Senior, a Canadian, shot while taking pictures of the looting in July 1997. The March 30, 1997 grenade attack killed one journalist and injured 24 other media workers. Not one of these cases has been prosecuted by the government.

There are approximately 1000 Cambodian journalists, most of whom are young and poorly trained. There is also a sizeable international press corps, made up of the major news agencies (AFP, AP, Reuters), and representatives/stringers of television chains (CBC, ABN etc), and of Asian and other magazines.

2. Support for Free Media

a) Cambodian Ngos

The Khmer Journalists Association (**KJA**), headed by Tath Ly Hok, began in 1994 and has focussed on practical training of journalists and students, including in English, and in computer use. The League of Cambodian Journalists (**LCJ**) is seen as close to CPP.

The **Cambodia Daily**, an English-language Phnom Penh newspaper, is an ngo, which trains journalists in English-language reporting. The **Cambodian Communication Institute** was formed in 1995, with funding from UNESCO, France and Denmark, also to help train young journalists.

The Cambodian Institute for Cooperation and Peace (**CICP**), headed by Kao Kim Hourn, is a policy think tank which, although primarily focussed on foreign and economic policy, has also been active in stimulating discussion of domestic issues such as the media. This has produced useful policy suggestions: for example, in a recent lecture it sponsored on the role of the media in peacebuilding in Cambodia, James Kanter, editor of the Cambodia Daily, suggested that the NEC should have professional assistance to help monitor media coverage of the elections in order to fulfil its role in ensuring that parties have equal access to public media.

The **Women's Media Centre** was formed out of an 1993 UNIFEM initiative that brought together a number of women who had worked in Radio UNTAC. The Centre now employs 30 staff and enjoys an excellent reputation for scripting and production of a wide range of public interest videos (many for television broadcast) and radio programs. Many bilateral donors, multilateral agencies and other ngos rely on the Centre to help get their messages across. The Centre also does public opinion polling on its own effectiveness: in one, 91% said they were familiar with the Centre, and 86% said that its programs had inspired discussion or changed their

views; a large percentage also indicated that they wanted much more voter/civic education in the run-up to the election.

b) Bilateral Donors and International Ngos

The **US** has been the major supporter of free media programs, primarily through **TAF**. TAF had assisted the KJA until it became highly politicized this year. It has also supported training of journalists directly and has helped the Royal University of Phnom Penh to develop and offer journalism courses (the ultimate goal being the establishment of a journalism school there). TAF has doubts about donor support in this area and is now conducting a review of its program. It expects that this will lead to less TAF involvement and more direct links between US university journalism faculties and Cambodian journalists. TAF suggested that assistance to journalists/editors/publishers in the management of their newspapers could be useful: this might be a route to more financially viable operations that could pay their employees properly, reducing the incentives for corruption.

American Assistance for Cambodia supports the Cambodia Daily as does **Japan Relief for Cambodia.**

d) Canadian Role

In 1994, CIDA/Partnership Branch and the Canadian Centre for the Protection of Journalists organized a workshop in Cambodia, bringing together a large number of Cambodian journalists on a variety of issues.

In 1996, the CIDA Governance Fund provided assistance for cooperation between the Canadian Department of Justice and Cambodian Ministry of Commerce in drafting intellectual property legislation.

In 1997, Radio Canada and CIDA/Communication Branch sponsored four Cambodian journalists' participation in Montreal at a *seminaire de perfectionnment*, including KJA co-president Tath Ly Hok.

Shauna Sylvester, Executive Director of the Vancouver-based Institute for Media, Policy and Civil Society suggested in November that Canada should support a model project on training of journalists for election coverage, possibly in Cambodia.

E. Conflict Resolution

1. Issues

Despite having a largely homogenous population (more than 90% ethnic Khmer and Buddhist), Cambodia remains a victim of intense divisions. These are partly historic, the legacy of centuries-old factionalism between groups with Thai or Vietnamese support, onto which is

added a modern royalist versus republican divide (reflected now in the rivalry between FUNCINPEC and CPP). Factionalism penetrates into most institutions, reinforced by the strange dual system of government that resulted from the 1993 elections. The tendency towards factionalism contributes to the prevalence of a view that "if you are not with us, you must be against us:" the idea that there may be a middle ground is not well-established. These attitudes are seen in the diatribes of much of the local media.

Compounding the problem is the damage done to the country's human resources by the Khmer Rouge and other state-sponsored violence and oppression. Much of the educated class and Buddhist leaders and monks were killed or forced to flee. More recently, there has been an important recovery (Buddhism appears to be flourishing), but the losses will take, according to some, a generation to overcome.

The prevalence of violence, and the absence of other models of handling problems, is not restricted to politics: domestic violence in all forms - physical abuse to selling children - is common, a symptom of the trauma the country has suffered.

Teaching conflict resolution techniques to build up habits of approaching problems peacefully is therefore an urgent need, although its success, given the obstacles, will require long-term commitment.

2. Support for Conflict Resolution

a) Cambodian Ngos

The Cambodian Development Resource Centre (**CDRI**) was established by a 1990 order of the Council of Ministers authorizing an American, Eva Mysliwiec, to work closely with Cambodian ministries in establishing priorities aimed at developing human resources. Although an ngo, CDRI and its director, Ms. Mysliwiec, retain close ties with the current government. It has an established track record in providing training programs in a number of fields.

In November 1995, CDRI, in collaboration with the **University of Victoria's Institute for Dispute Resolution (IDR)**, organized a three-day conference on dispute resolution in Cambodia. To follow-up on the conference, in June 1996, CDRI instituted a program on Conflict Resolution, and the **Cambodian Centre for Conflict Resolution (CCCR)** was officially launched in 1997. Its steering committee of 16 and executive working group include government and ngo representatives; it has a secretariat of five employees. Its mission statement reads:

> "The CCCR is an independent centre supporting a community of conflict resolution practitioners with skills training and resources to enhance the capacity of Cambodians and Cambodian institutions to peacefully resolve, manage and prevent conflict."

Last year, CCCR began to develop four program areas:

- a resource centre that included an accessible information base, trainers, facilitators and researchers. It has translated relevant Buddhist texts and will publish them shortly, and has developed a conflict resolution manual;

- training, ie, developing local conflict resolution skills through media activities, conferences (a workshop organized for policy-makers last July had to be put on hold and will likely be held after the elections), and the launch of a core training program in conflict resolution skills aimed at ngos and government institutions (eg, Ministry of the Interior), made up of four two-week courses spread out over the year, and offered in conjunction with a UK ngo, Responding to Conflict. One module involving 35 participants has been completed. The idea is that those trained will then train others. The training so far has not been specialized , but intended to let participants identify the appropriate tools (traditional or non-traditional) for dealing with conflict;

- research into case studies and documentation of traditional conflict resolution practices; and

- networking with relevant groups inside and outside Cambodia.

CCCR's long-term expectation is that it will develop more resource people in its Phnom Penh office and open subsidiary provincial centres. It is considering whether to provide some technical assistance for the elections.

Buddhism is an increasingly visible and respected force for conflict resolution in Cambodia. The chief Buddhist organization is the **Dhammayietra Center for Peace and Non-Violence** (DHAM), headed by the spiritual leader of Cambodian Buddhism, the Venerable Maha Ghosananda. Dhammayietra is a term denoting the practice of non-violence, non-partisanship, and the will to act to instill awareness of issues such as domestic violence. DHAM, founded in 1993, grew out of a 1992 peace march organized by Ghosananda from the Thai refugee camps to Phnom Penh. Since 1993, there have been annual peace marches to conflict zones, each lasting 3-4 weeks and involving around 4-700 people, led by Ghosananda. Training sessions are held to teach participants in the practice of non-violence. Aided by ngos, the Centre has prepared a variety of materials (including videos) to publicize its aims. It also encourages the involvement of monks in building a peaceful Cambodia, including through other demonstrations. It has been especially active in the APM campaign (Ghosananda was a participant at the Ottawa Treaty signing ceremony).

b) Multilateral Bodies

In 1997, **UNESCO** began developing a culture of peace program for Cambodia (similar programs have also begun recently in Mozambique, Burundi and Nicaragua), headed by the respected academic Raoul Jennar. The program is intended to ground democratic, non-violent methods of behaviour, including peaceful conflict resolution.

The first step taken was an inventory of relevant ngos. The conclusions of that inventory were that: there should be better coordination among ngos on culture of peace activities; ngos are doing excellent work, but they still do not adequately cover all of the country; ngos do not sufficiently influence the country's decision-makers (most training is of lower level officials, leaving out judges, MPs and senior officials).

From these conclusions a collection of projects are emerging to enhance the culture of peace:

- first, a conference in March of international and Cambodian participants to launch the culture of peace and design a program and priorities for it;

- second, to help the ngos do what they do better, a leadership program to facilitate networking among them and help create a stronger sense of responsibility for larger issues (and not just the goals of the particular ngo/faction). This could also extend to include other Cambodians working in government and elsewhere who have received training in or exposure to the practices in other countries. UNESCO is considering keeping these people in touch with each other and developments/examples elsewhere through a variety of means, including UNESCO's international press clippings service, e-mail etc.;

- third, a targeted conflict resolution training program to create a network of conflict resolution experts across the country, including monks (especially important given their local impact), who could address issues such as domestic violence. This program could also include those not now involved in conflict resolution training such as judges, MPs, academics and businesspeople. UNESCO is seeking 60 trainers (including two UNV) to train 18,000 people at the local level .

UNESCO has begun to chair a working group on the culture of peace which brings together ngos, including CCCR, and other UN agencies.

UNDP, in the context of its CARERE and Governance, Democracy and Human Rights projects, has a reconciliation project underway in the northwest of Cambodia, which it began in 1997. The object is to assist villagers in areas recently freed from the Khmer Rouge to integrate back into the mainstream of Cambodia. **UNCHR** and local ngos actually conduct the human rights training and education programs for local populations and ex-Khmer Rouge. UNDP believes that when fighting in the northwest resumed in July between Ranariddh/Khmer Rouge and RCAF forces, "nothing happened" in these villages because of this program.

In collaboration with UNESCO, UNDP has begun a project to work with Cambodian ngos, Buddhist organizations and district and provincial authorities in prioritizing activities to be initiated in connection with the establishment of a culture of peace.

c) Canadian Role

Supported by the Canada Fund, the **Women's Media Centre** has distributed at cost 70 videos made of the CDRI's conflict resolution workshop in November 1996, which was held in collaboration with IDR. It is available to all ngos on request, along with accompanying training material on conflict resolution.

Stephen Owen, Director of IDR, is a member of CDRI's board of directors. He was also a member of the team sent to Cambodia in September 1997 by the Parliamentary Centre to assess the value of continued support to democratic institutions. That report recommended that support to **CDRI** (ie, the CCCR) for conflict resolution be considered. He also paid a follow-up visit to CDRI in December 1997.

Robin Sully of the CBA has suggested that the **Cambodian Bar** be assisted to develop dispute resolution capacity (see Legal System section above).

F. National Assembly

1. Issues

Serious doubts hung over the independence of the 120 seat National Assembly following the July 1997 events. However, despite the reduction of Ranariddh support in the Assembly following the flight of the Prince and many of his supporters, including 19 MPs, the Assembly has managed to function with much of its autonomy intact. Stephen Owen, John Bosley and Greg Armstrong, who conducted a field assessment for the Canadian Parliamentary Centre, wrote in their September 1997 report that:

> "There was a general perception that the National Assembly is functioning today, not in a perfectly free atmosphere, but with more effectiveness than it has done in a year [business had come to a standstill prior to the July events]...It was pointed out that the Assembly is not representative of all political opinions and that, most notably, the Ranariddh supporters within FUNCINPEC have only a very small group ... remaining in the Assembly. Nevertheless, the Assembly does include far more politicians from various factions of Cambodian political parties than it excludes...."

Since that report, a number of opposition MPs have returned, without incident; 12 remain outside the country, including Ranariddh.

On the technical side, the Parliamentary Centre's report concluded that the National Assembly's Secretariat is seen as politically neutral and the only source of the Assembly's institutional development. To assist the Secretariat, headed by Than Sina, Secretary-General of the Assembly, donors helped establish the Centre for Legal Drafting and Research at the Assembly and the Office of General Research on International Affairs (OGRIA).

2. Support for the National Assembly

a) Cambodian Government

The **Centre for Legal Drafting and Research** of the National Assembly' s Secretariat is intended to improve the quality of legal drafting through training and consultation on legal analysis, procedures and precedents as well as the constitutionality of new laws (few MPs have legal backgrounds). Its staff have also assisted the Assembly's Human Rights Commission to better monitor compliance with international human rights standards as well as to respond to complaints.

OGRIA is focussed on assisting the secretariat provide information to MPs on international affairs.

b) Multilateral Bodies

UNDP, under its Governance, Democracy and Human Rights project, has been supporting the National Assembly's Secretariat. It has provided salary support to the coordinator of research services and two other research staff.

c) Bilateral Donors and International Ngos

With USAID funding, **TAF** had also supported the Secretariat, particularly to enhance eight local staff in responding to the needs of National Assembly members. However, that support was cut after July when USAID stopped supporting government -to-government programs.

c) Canadian Role

The **Parliamentary Centre** began providing assistance to the National Assembly in 1994 by sponsoring a workshop for Cambodian MPs on the role of MPs. Subsequently, with CIDA support, the Parliamentary Centre provided advice on elections law and electoral reform, the design of a new administrative structure for the Assembly, and the design of new financial control procedures.

The main area of support has been of OGRIA, the outcome of assessment missions which recommended in favour of its creation. CIDA supported its design and funded its director, Sovathanna Sokhom. Reporting on their visit last September (supported by the Peacebuilding Fund), Stephen Owen, John Bosley and Greg Armstrong concluded that the National Assembly Secretariat should continue to be helped, especially because of the return of Than Sina, and that there should be further training of the OGRIA staff in collection and analysis of data, and in upgrading their English-language skills. In December 1997, the Parliamentary Centre, with funding from CIDA's Southeast Asian Fund for Institutional and Legal Development (SEAFILD), renewed support for the OGRIA director and proposed to support a CDRI-run training program for the OGRIA staff.

G. Regional Initiatives

1. Issue

The Paris Accords helped end Cambodia's isolation, first under the Khmer Rouge, and then under the Vietnamese-sponsored regime. However, Cambodia's integration received a setback in July 1997, when ASEAN decided to defer its membership. If elections go ahead as planned, and seem reasonably free and fair, ASEAN is likely to let Cambodia join the club. In contrast, cooperation among the Mekong River Commission (MRC) countries, including Cambodia, is continuing: the secretariat will move to Cambodia in July 1998.

The importance of regional integration for peacebuilding is threefold: the immediate neighbours (now, except for Laos, all ASEAN members) have the greatest and most sustainable interest of international players in the stability and growth of Cambodia. Vietnam and Thailand in particular have for centuries been involved in the fate of Cambodia. Long after the elections that western donors and UN agencies are focused on now, ASEAN countries will still be paying keen attention to Cambodia. Regional integration is also likely to produce more lasting economic benefits for Cambodia than its present "cowboy", high-risk capitalism can hope to offer. Without that more stable growth, the government will be unable to find adequate revenues to sustain the public institutions that international support is attempting to build up. Integration will also lead to the reinforcement of Cambodian business and other groups' interest in long-term stability. Finally, integration promises lasting exposure of Cambodians to alternative and more peaceful methods of governance.

2.Support for Regional Initiatives

a) Cambodian Government

There are mixed views on how the Cambodian government sees integration into ASEAN and AFTA. Since 70% of Cambodia's government revenues are from external tariffs, AFTA has the potential for reducing the major source of government income while adding pressure to tax those involved in practices such as illegal logging, many of whom are allegedly well-connected. Thus, some think that the government has limited interest in moving quickly (after elections) to enter ASEAN. On the other hand, ASEAN itself promises lengthy phase-ins of tariff reductions for poorer members, potentially making the transition relatively painless.

ASEAN countries appear to have a fairly strong interest in bringing Cambodia into the association. Since the 1980s, ASEAN has been trying to bring peace and stability to the last war-torn country of the region. A number of large infrastructure projects (roads, railways) are planned to link Vietnam and Thailand. These must cross Cambodia (or, with more difficulty) Laos. However, the "Asian meltdown" of 1997/98 may mean that ASEAN members will be more preoccupied, in the immediate future, with their internal economic affairs than with the adhesion of Cambodia.

The countries of the Mekong River basin (Cambodia, Vietnam, Thailand, Laos) began

cooperating in 1957, first with the formation of national committees on river-related projects, followed by the formation of a regional Mekong River Commission. However, decades of war interrupted this process in which Cambodia had been a leader, especially in preparing feasibility studies. Only in 1995 did Cambodia re-establish the Cambodian National Mekong Committee (CNMC). The other countries by then had done much to develop river resources (eg, Vietnam, harnessing the Mekong for irrigation, now surpasses Thailand as a rice exporter), while Cambodia had done virtually nothing.

Now, however, as a result of the energetic lobbying of the vice-chair of the CNMC, Khy Tainglim (a Canadian citizen), the Cambodian government seems committed to national/regional action on the basin. Eight ministers are involved in the CNMC, which the Second Prime Minister heads. Cambodia succeeded in persuading its neighbours that the secretariat (employing 120 people) of the four-country MRC will have its permanent seat in Phnom Penh, starting in July 1998.

The interest of the Commission goes well beyond utilization of the river itself for electricity and irrigation to include: agriculture (fisheries, forests, irrigation); tourism (especially eco-tourism); transportation and communication in the "Greater Mekong System"; and investment and trade. For Cambodia, this range of development activity is especially significant given that 80% of the country is inside the river's basin.

b) Cambodian Ngos

On issues of regional integration (or, for that matter foreign trade and political policy), **CICP** is the most active local ngo. A policy think-tank headed by Kao Kim Hourn, it sponsors conferences on a wide range of issues, but with a particular focus on foreign affairs. In 1997, it organized 14 such meetings, mainly on ASEAN and Southeast Asian topics such as "Women's Political Voice in ASEAN" and "Roundtable of Trade Unions in Southeast Asia." It has also trained 50 people from different government ministries in multilateral and bilateral negotiation, leadership training of new diplomats, and a session for finance and commerce ministry officials on ASEAN and AFTA. It produces a newsletter and a journal, sponsors a distinguished lecture series (see the Media section above), and produces a number of articles for newspapers and other publications. It is also active in developing networks with counterpart organizations in the region and elsewhere (see Canadian role below).

The Cambodian Development Resource Institute (**CDRI**) in 1997 undertook a research project on Cambodia's membership in ASEAN.

c) Multilateral Bodies

The **World Bank** and **GEF** have been supporting the Water Utilization Program, under the umbrella of the MRC. This program is concerned with the quality and quantity of the water itself. These issues are especially important for Cambodia because of its unusual dependence of

the river water: eg, upstream dams on the Mekong would interfere with the flow not only of the Mekong, but also of the Tonle Sap River and Tonle Sap Lake, which are at the heart of the country's agricultural sector (still accounting for 43% of the economy and 75% of the workforce).

The World Bank and **ADB** are supporting assessment studies for each of the areas of interest of the MRC, outlined above.

d) Bilateral Donors and International Ngos

The most active bilateral donors assisting with various aspects of Mekong River cooperation have been Japan, Australia, the Nordics, the US, France and the UK. A Japanese will be the Secretary-General of the Commission when it arrives in Phnom Penh (a position related to Japan's status as the largest donor).

CICP, which fosters policy development on regional issues (see Cambodian Ngos above) is supported by **TAF** and the **Freidrich Ebert Siftung Foundation**.

e) Canadian Role

Since the end of IDRC's involvement with the Cambodian Ministry of Environment, Canada no longer plays a role on issues related to Mekong cooperation. Khy Tainglim suggested that an area that might be of interest - especially in the context of peacebuilding - would be assistance for Cambodia in developing community participation in the planning for and development of Mekong basin resources. In this connection, he noted that there was a good deal of relevant experience in PEI.

CICP has worked with Paul Evans of York University on the CIDA-supported ASEAN/ISIS security cooperation project. It took part in the May 1997 ASEAN-ISIS Conference on promoting Regional Cooperation, held in Montreal and director Kao Kim Hourn gave lectures on Cambodia and Cambodia's relations with ASEAN at both Laval and Carleton Universities. It also sponsored in April 1997 a lecture by McGill University's Pierre Lizee ("Between 1993 and 1998: Which Future for Cambodia?").

APPENDIX I
Acronyms

Cambodian Government:

CMAC: Cambodian Mine Action Centre

RCAF: Royal Cambodian Armed Forces

Main Political Parties:

FUNCINPEC: Front Uni National pour un Cambodge Independent Neutre, Pacifique et Cooperatif, divided between the faction led by Prince Ranariddh, First Prime Minister until he left on July 4, 1997, and who remains outside the country with 11 other MPs and FUNCINPEC officials, and the rival faction led by Siem Reap Governor Toan Chay, which also claims the First Prime Minister, Ung Huot, elected by the National Assembly after July. FUNCINPEC won 45% of the vote in the 1993 elections, taking 58 seats in the 120 seat Assembly.

CPP: Cambodian People's Party, the party of Second Prime Minister Hun Sen; CPP took 38% of the 1993 vote and 51 seats.

BLDP: Buddhist Liberal Democratic Party, which took 3% of the vote and 10 seats. The party split, with the name BLDP retained by the Son Sann faction (close to CPP) and that of Minister of Information Ieng Mouly, which has decided to rename itself the Buddhist Liberal Party (**BLP**).

KNP: Khmer Nation Party, led and formed by Sam Rainsy, finance minister until his resignation in 1994 (later expelled from FUNCINPEC and National Assembly). At its rally on March 30, 1997 in Phnom Penh, a grenade was thrown into the meeting, killing 17. In December 1997, it held another, this time peaceful rally.

UCD: Union of Cambodian Democrats, the alliance of FUNCINPEC and BLDP that

Cambodian Ngos:

ADHOC: Cambodian Human Rights and Development Association

CCCR: Cambodian Centre for Conflict Resolution

CICP: Cambodian Institute for Cooperation and Peace

CIHR: Cambodian Institute of Human Rights

COFFEL: Coalition for Free and Fair Elections

COMFREL: Committee for Free and Fair Elections in Cambodia

CSD: Centre for Social Development

KID: Khmer Institute of Democracy

KJA: Khmer Journalists Association

LICADHO: Cambodian League for the Promotion and Defense of Human Rights

VIGILANCE: Human Rights Vigilance of Cambodia

WMCC: Women's Media Centre of Cambodia

Multilateral Bodies and International Ngos

ABA: American Bar Association

ASEAN Troika: Philippines (current president), Thailand (past president), Malaysia (next president)

CBA: Canadian Bar Association

EC: European Commission of the EU (responsible for election preparations)

Friends of Cambodia: New York-based group of permanent representatives of Canada, Australia, France, Germany, Japan, NZ, ROK, Russia, UK, USA

SEAFILD: CIDA's Southeast Asian Fund for Institutional and Legal Development

SRSG: Lehkan Mehrotra, UN Secretary-General's Special Representative to Cambodia

SRSG (HR): Thomas Hammarberg, UN Secretary-General's Special Representative on Human Rights in Cambodia

TAF: The Asia Foundation

UNCHR: Office of the UN Centre for Human Rights in Cambodia
UNV: UN Volunteers

APPENDIX II:
LIST OF MEETINGS HELD IN CAMBODIA[20]

Cambodian Government

Lieutenant Colonel B.H.C. (Chip) Bowness, Commanding officer, Canadian Contingent, Cambodian Mine Action Centre (tel: (855-23-360163; mobile: 855-15-913507; 873-383-020190; e-mail: cancon@forum.org.kh)
- commands Canadian contingent of 7

Theo Noel, Technical Advisor, National Elections Committee (mobile: 015-832-139; fax: 855 -23-362-287)
- CIDA support to UNDP pays for this secondment

H.E. Om Radsady, Chairman, Foreign Affairs and Information Committee, National Assembly (tel: 855-015-912120; fax: 855-23-724495)

Than Sina, Secretary-General, National Assembly (tel:023-427768; mobile: 015-917-457; fax: 023-427769)
- Canadian Parliamentary Centre and CIDA support National Assembly's Secretariat, headed by Than Sina

Ok Serei Sopheak, Advisor & Director of Cabinet to Deputy PM and Interior Minister Sar Kheng (tel: 855-012-815-302; tel/fax: 855-23-361-099; e-mail: sopheak@forum.org.kh)

Khy Tainglim, Vice-Chairman, Cambodian National Mekong Committee (tel/fax: 855-23-426201, 855-18-814167)
- Canadian citizen

Cambodian Non-Governmental Organizations

Maitre Say Bory, Batonnier de l'Ordre des Avocats, Barreau du Royaume du Cambodge (tel: 015-91-91-66)
- Nov97 trip to Canada (BC and NB) sponsored by Canadian Bar Association to examine legal aid programs

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[20]with notes re any special relationship to Canada. I have included here only those I met in lengthier, mainly one-on-one meetings; I also met in larger meetings or informal settings the ambassadors and other embassy personnel of the main donors, and of the ASEAN troika, as well as MFA and other government officials, and MPs. And, of course, I had the benefit of three days of discussion with Ambassador Longmuir and the embassy's extremely well-informed locally-engaged officer Bunleng Men.

Maha Ghosananda, Supreme Patriarch of Cambodian Buddhism, Dhammayietra Movement

- attended APM treaty ceremony in Ottawa

Kek Galabru, President, and Eva Galabru, Director, Cambodian League for the Promotion and Defense of Human Rights (LICADHO) (fax/tel: 855-23-364-901 or 360965/cellphone: 855 12806468; email: licadho@packtok.peg.apc.org)

- Canadian citizens

Dr. Lao Mong Hay, Executive Director, The Khmer Institute of Democracy (tel/fax: 855-23-4-27521/721-898;e-mail: Kid@pactok.peg.apc.org)

Tath Ly Hok, Co-President, Khmer Journalists Association, Deputy Editor of Kampuchea Newspaper (tel/fax: 62-379; mobile: 015-917-970)

- 1997 trip to Montreal sponsored by CIDA/Communications and SRC for one month training

Kao Kim Hourn, Executive Director, Cambodian Institute for Cooperation and Peace (tel/fax: 855-23-362520; mobile: 855-18-812-490)

Soth Pai Ngarm, Program Officer, and Ngy San, Programme Officer, Cambodian Centre for Conflict Resolution (tel: 855-23-367115; fax: 855-23-366094; e-mail: cdri.pp.cam@uni.fi)

- exploring cooperation with Stephen Owen of University of Victoria's Conflict Resolution Centre

Kassie Neou, Director, Cambodian Institute of Human Rights (tel: 855-15-912-607/915-557; fax: 855-23-62739)

Nuth Rasy, Director, Women's Media Centre of Cambodia (tel: 855-23-364-882; mobile: 855-15-834-566; fax 426-011; e-mail: WMC@forum.org.kh)

- Canada Fund support for purchase of a/v equipment

Thun Saray, President, Cambodian Human Rights and Development Association (ADHOC) and First Representative of COMFREL (Committee for Free and Fair Elections in Cambodia - coalition of ngos for election monitoring) (tel: 855-23-42-86-53; fax: 855-23-42-72-29; e-mail: adhoccambodia@pactok.peg.apc.org)

Pok Than, President, Centre for Social Development and Chair of COFEL (Coalition for Free and Fair Elections) (855-23-364-735; 855-15-917-700; fax: 855-23-364-736; e-mail: csd@forum.org.kh)

International Non-Governmental Organizations

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Multilateral Agencies

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APPENDIX III
Chronology of Recent Cambodian Events

September 1989: last of Vietnamese troops leave Cambodia

October 1991: Paris Peace Accords signed.

March 1992: UNTAC deployment begins.

May 1993: UNTAC supervised general elections under proportional representation system. Coalition formed with Prince Ranariddh as First Prime Minister and Hun Sen as Second Prime Minister.

June 1993: attempted coup.

September 1993: new Cambodian Constitution proclaimed in force. King Sihanouk becomes head of state.

July 1994: attempted coup.

July 1994: Khmer Rouge outlawed and 6 month amnesty offered to guerillas.

March 30, 1997: grenades thrown into KNP rally in Phnom Penh, killing 19.

June 1997: Pol Pot tried and convicted by the Khmer Rouge.

July 5, 1997: factional fighting between troops loyal to CPP and FUNCINPEC breaks out in capital. Forty-one extra-judicial killings. FUNCINPEC leaders flee to other countries. US, Japan cut aid.

July 1997 - present: fighting between forces loyal to Prince Ranariddh, assisted by Khmer Rouge, and RCAF, begins in areas bordering Thailand.

December 1997: Electoral law in force.

January 1998: National Election Committee (NEC) named.

February 27, 1998: ceasefire ineffect between Ranariddhe and RCAF forces.

July 26, 1998: date of first Cambodian-run elections since Paris Accords.